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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,388	10/18/2003	Peter N. Bibko		2224

7590  
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12/23/2008

EXAMINER
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MEYERS, MATTHEW S

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3689

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/688,388	<b>Applicant(s)</b> BIBKO ET AL.	
	<b>Examiner</b> MATTHEW S. MEYERS	<b>Art Unit</b> 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is in response to applicant's communication on 10/18/04, wherein claims 1-16 are currently pending.

### ***Priority***

2. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

5. With regard to the limitation, "scoring", after reviewing applicant's specification, Examiner is unable to ascertain how one skilled in the art would be able to score as claimed by applicant. Applicant has provided no direction or guidance as to how this

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scoring step would occur. Thus, each user would not be able to use applicant's invention without undue experimentation.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has failed to define the invention in the manner required by 35 U.S.C. 112, second paragraph. The claims are narrative in form and replete with indefinite and functional or operational language. Moreover, the preamble to applicant's claims set forth method steps, but contain no steps. Applicant has only provided means for, with no active steps. Examiner will interpret the claims to the best of his understanding.

8. Applicant use of the word "may" throughout the claims is vague and indefinite and makes the claims unclear.

9. Applicant refers to "additional information" in the claims and Examiner is unable to ascertain what applicant is referring to.

10. The term "timely" in claims 1 and 9 is a relative term which renders the claim indefinite. The term "timely" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

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11. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

12. Claim elements “formatting”, “prompting”, and “scoring” is a means (or step) plus function limitation that invokes 35 U.S.C. 112, sixth paragraph. However, the written description fails to disclose the corresponding structure, material, or acts for the claimed function. Applicant has provided no means for ascertaining the requisite structure, material, or acts for performing the steps of formatting, prompting and scoring anywhere in the specification. After a careful review of applicant’s specification, Examiner has determined that the specification is silent as to a “means to formatting”, “means for prompting” or a “means for scoring”.

13. Applicant is required to:

- a. Amend the claim so that the claim limitation will no longer be a means (or step) plus function limitation under 35 U.S.C. 112, sixth paragraph; or
- b. Amend the written description of the specification such that it expressly recites what structure, material, or acts perform the claimed function without introducing any new matter (35 U.S.C. 132(a)).

14. If applicant is of the opinion that the written description of the specification already implicitly or inherently discloses the corresponding structure, material, or acts so that one of ordinary skill in the art would recognize what structure, material, or acts perform the claimed function, applicant is required to clarify the record by either:

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- a. Amending the written description of the specification such that it expressly recites the corresponding structure, material, or acts for performing the claimed function and clearly links or associates the structure, material, or acts to the claimed function, without introducing any new matter (35 U.S.C. 132(a)); or
  - b. Stating on the record what the corresponding structure, material, or acts, which are implicitly or inherently set forth in the written description of the specification, perform the claimed function. For more information, see 37 CFR 1.75(d) and MPEP 2181 and 608.01(o).
2. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claims 1 and 9 recites the limitations "the minor facility", "the construction", and "the actual text". There is insufficient antecedent basis for these limitations in the claims.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. 35 USC 101 requires that in order to be patentable the invention must be a "new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof". Applicant's claims

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mentioned above are intended to embrace or overlap two different statutory classes of invention as set forth in 35 USC 101. The claims begin by discussing a method (ex. preamble of claim 1), and subsequently the claim then performs the method steps by using means for language which implies a requisite structure to perform the method of compliance (see above rejection of claims under 35 USC 112, second paragraph, for specific details regarding this issue). "A claim of this type is precluded by the express language of 35 USC 101 which is drafted so as to set forth the statutory classes of invention in the alternative only", Ex parte Lyell (17 USPQ2d 1548).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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8. Claims 1, 3-4, and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frankland et al. (Pub. No.: US 2008/0256133) (Hereinafter referred to as Frankland) in view of Hollingsworth (US 6,157,808).

9. With respect to **Claims 1 and 9**:

10. Frankland discloses method to audit, comply and maintain on-going compliance at one or more specified commercial or retail facilities, with all applicable U.S. regulatory requirements promulgated by one or more state or federal regulatory agencies, capable of being predetermined from published state or federal codes of regulations, via the WWW (Frankland [0035], "This invention monitors, responds to, and incorporates changes in, federal, state and local laws, statutes, ordinances and regulations (referred to collectively herein as "regulations") and changes in technology in one or more regulated areas of commercial activity..."), comprising:

c. means for identifying regulatory agency(ies) regulating the minor facility based upon information provided by a facility employee or contractor; means for accessing appropriate state and federal government WWW web sites and databases containing state and federal regulations (Frankland [0035], "This invention monitors, responds to, and incorporates changes in, federal, state and local laws, statutes, ordinances and regulations (referred to collectively herein as "regulations") and changes in technology in one or more regulated areas of commercial activity...");

d. means for identifying specific regulations and regulatory requirements applicable to different minor facilities; means for organizing applicable regulatory



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requirements into separate electronic checklist documents, (which might sometimes be referred to as C-Records") each addressing one or more primary regulatory requirements, and each of which may be completed by a single employee or contractor (Frankland [0035], "This invention monitors, responds to, and incorporates changes in, federal, state and local laws, statutes, ordinances and regulations (referred to collectively herein as "regulations") and changes in technology in one or more regulated areas of commercial activity...");

e. means for formatting electronic checklist documents to include one or more detailed requirements, specific to each primary requirement each of which detailed requirements must be complied with, in order for a minor facility to be in compliance with a primary requirement (Frankland [0416], "Reference information, such as checklists and current regulations, are available through this section or by use of links to Internet data sources.");

f. means for incorporating an electronic link within each electronic checklist document providing access to additional information needed to help a employee-or contractor to better understand the primary and detailed regulatory requirements addressed by each electronic checklist document (Frankland [0416], "Reference information, such as checklists and current regulations, are available through this section or by use of links to Internet data sources.");

g. means for incorporating an electronic link within each electronic checklist document providing access to a copy of the text of regulatory requirements addressed by each electronic checklist document (Frankland [0416], "Reference

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information, such as checklists and current regulations, are available through this section or by use of links to Internet data sources.”);

h. means for revising facility profiles to reflect changes in the construction and/or operation of the minor facility resulting in new compliance requirements and means for automatically electronically notifying all responsible employees or contractors to confirm compliance with new requirements. means for creating a single document for each employee and contractor position (that might sometimes be referred to as an "Audit Clipboard") which may contain links to all electronic checklist documents to be completed by the individual working at the position (Frankland [0035], “This invention monitors, responds to, and incorporates changes in, federal, state and local laws, statutes, ordinances and regulations (referred to collectively herein as "regulations") and changes in technology in one or more regulated areas of commercial activity...” and [0416], “Reference information, such as checklists and current regulations, are available through this section or by use of links to Internet data sources.”);

i. means for creating a single document for each employee and contractor position (that might sometimes be referred to as an "Compliance Clipboard") which may contain links to all electronic checklist documents to be completed by the individual working at the position (Frankland [0035], “This invention monitors, responds to, and incorporates changes in, federal, state and local laws, statutes, ordinances and regulations (referred to collectively herein as "regulations") and changes in technology in one or more regulated areas of commercial activity...”

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and [0416], "Reference information, such as checklists and current regulations, are available through this section or by use of links to Internet data sources.");

j. means for prompting a minor facility employee or contractor to identify a specified facility type (Frankland [0034], "The invention provides an integrated system for managing data that is, or can be, constantly changing, because of changes in regulations, in the business environment, in technology and in any other factor that materially affects operations and/or information management requirements of a particular business.");

k. means for prompting a minor facility employee or contractor to identify the city, town, county (or parish) and state in which the facility operates (Frankland Fig. 13);

l. means for prompting a minor facility employee or contractor to complete an electronic checklist providing more detailed information on entity operations as needed to identify all specific regulated activities undertaken by the minor facility (Frankland [0416], "Reference information, such as checklists and current regulations, are available through this section or by use of links to Internet data sources.");

m. means for storing electronic checklist documents within a facility database residing on a server maintained by a service provider (Frankland [0416], "Compliance documents, interpretations, procedures and work plans can be stored and shared with all affected persons and organizational units.");

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n. means for prompting a minor facility employee or contractor to assign audit and compliance responsibilities to various employees or contractors, and direct employees and contractors to audit, comply and confirm compliance by completing assigned electronic checklist documents (Frankland [0416], "This section also identifies who is responsible for compliance with a particular requirement. This section can be used to determine if, and how, proposed regulations will affect facility operations by providing access to material, equipment and process information to which the regulations may be applied. Reference information, such as checklists and current regulations, are available through this section or by use of links to Internet data sources.");

o. means for prompting various responsible employees and contractors at a minor facility to access assigned electronic checklist documents, and read additional information about regulatory requirements linked to each electronic checklist document (Frankland [0416], "Reference information, such as checklists and current regulations, are available through this section or by use of links to Internet data sources.");

p. means for prompting various responsible employees and contractors at a facility to access assigned electronic checklist documents, and view the actual text of regulatory requirements linked to each electronic checklist document (Frankland [0416], "Reference information, such as checklists and current regulations, are available through this section or by use of links to Internet data sources.");

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q. means for prompting employees and contractors to audit facility compliance with primary requirements and detailed requirements by accessing and checking appropriate locations in each assigned electronic checklist document (Frankland [0416], "Reference information, such as checklists and current regulations, are available through this section or by use of links to Internet data sources.");

r. means for identifying employees and contractors that have timely completed and submitted all electronic checklist audit documents (Frankland [0416], "Audit scheduling, audit findings and corrective actions scheduled and implemented can be identified and reported to provide feedback on the effectiveness of the facility's compliance program.");

s. means for identifying employees and contractors that have failed to timely complete and submit one or more electronic checklist audit documents (Frankland [0416], "Audit scheduling, audit findings and corrective actions scheduled and implemented can be identified and reported to provide feedback on the effectiveness of the facility's compliance program.");

t. means for identifying employees and contractors failing to confirm compliance with one or more primary requirements when submitting an electronic checklist audit document (Frankland [0416], "Audit scheduling, audit findings and corrective actions scheduled and implemented can be identified and reported to provide feedback on the effectiveness of the facility's compliance program.");

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u. means for storing and displaying minor facility audit results, means for allowing an authorized employee or contractor to view minor facility audit results via an intranet or the WWW (Frankland [0416], "Audit scheduling, audit findings and corrective actions scheduled and implemented can be identified and reported to provide feedback on the effectiveness of the facility's compliance program.");

v. means for prompting employees and contractors at each minor facility to access, and confirm on-going facility compliance with primary requirements and detailed requirements by checking appropriate places in each assigned electronic checklist document and submit same to the minor facility database (Frankland [0416], "This section also identifies who is responsible for compliance with a particular requirement. This section can be used to determine if, and how, proposed regulations will affect facility operations by providing access to material, equipment and process information to which the regulations may be applied. Reference information, such as checklists and current regulations, are available through this section or by use of links to Internet data sources.");

w. means for identifying employees and contractors that have timely completed and submitted all electronic checklist ongoing compliance documents (Frankland [0416], "Audit scheduling, audit findings and corrective actions scheduled and implemented can be identified and reported to provide feedback on the effectiveness of the facility's compliance program.");

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- x. means for identifying employees and contractors that have failed to timely complete and submit one or more electronic checklist compliance documents (Frankland [0416], "Audit scheduling, audit findings and corrective actions scheduled and implemented can be identified and reported to provide feedback on the effectiveness of the facility's compliance program.");
- y. means for identifying employees and contractors failing to confirm compliance with one or more primary requirements when submitting an electronic checklist compliance document (Frankland [0416], "Audit scheduling, audit findings and corrective actions scheduled and implemented can be identified and reported to provide feedback on the effectiveness of the facility's compliance program.");
- z. means for storing and displaying facility compliance results (Frankland [0416], "Compliance documents, interpretations, procedures and work plans can be stored and shared with all affected persons and organizational units.");
- aa. means for allowing an authorized individual to view facility employee, contractor or facility compliance status and results via the WWW (Frankland [0422], "The invention in one embodiment uses a "thin client" approach in a client/server mode, in which a relatively unsophisticated client server at the user's site is connected through the Internet or another network to a server that provides one or more databases of information and provides substantially all of the analysis and processing capability for this information.").

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bb. Frankland discloses all the above limitations. Additionally Frankland discloses "Audit scheduling, audit findings and corrective actions scheduled and implemented can be identified and reported to provide feedback on the effectiveness of the facility's compliance program." (Frankland [0416]) and "This section also identifies who is responsible for compliance with a particular requirement. This section can be used to determine if, and how, proposed regulations will affect facility operations by providing access to material, equipment and process information to which the regulations may be applied. Reference information, such as checklists and current regulations, are available through this section or by use of links to Internet data sources." (Frankland [0416]). Frankland does not explicitly disclose wherein these checklist for compliance, auditing, reports, and checklists incorporate a quiz or a test on the regulatory requirements addressed in each electronic checklist document, a means for prompting various responsible employees and contractors at a facility to access electronic checklist documents, and take a test to confirm understanding of regulatory requirements linked to each electronic checklist document, a means for scoring, storing and displaying test results, or a means for requiring a minor facility employee or contractor to receive a pre-established test score before being permitted to complete and submit an electronic checklist document. However, Hollingsworth teaches a computerized employee certification and training system which determines an employee's qualifications and performance, and provides examinations and evaluations (Hollingsworth



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[abs]). It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the integrated change management unit of Frankland with the computerized employee certification and training system of Hollingsworth in order to provide an integrated system for managing changes in regulatory and non-regulatory requirements for business activities at an industrial or commercial facility. The addition of the testing above would have been an obvious addition since business activities which regulated often have testing requirements for their employees and the testing and certification requirements for these employees are often changes. Thus, it would have been obvious to incorporate the means for prompting various responsible employees and contractors at a facility to access electronic checklist documents, and take a test to confirm understanding of regulatory requirements linked to each electronic checklist document, a means for scoring, storing and displaying test results, and means for requiring a minor facility employee or contractor to receive a pre-established test score before being permitted to complete and submit an electronic checklist document disclosed in Hollingsworth with the disclosure of Frankland, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

11. With respect to **Claims 3-4 and 11-12:**

12. Frankland discloses wherein the regulatory requirements applicable to the minor facility derive from regulations promulgated by a federal regulatory agency and

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published in the U.S. Code of Federal Regulations or a state regulatory agency and published in an appropriate state administrative code (Frankland [0035], "This invention monitors, responds to, and incorporates changes in, federal, state and local laws, statutes, ordinances and regulations (referred to collectively herein as "regulations") and changes in technology in one or more regulated areas of commercial activity...").

13. With respect to **Claim 10**:

14. Frankland discloses where the facility type is selected from a Standard Industry Classification ("SIC") list published by the United states Government or any alternate list subsequently intended to substitute for any such SIC list in the future (Frankland [0035], "This invention monitors, responds to, and incorporates changes in, federal, state and local laws, statutes, ordinances and regulations (referred to collectively herein as "regulations") and changes in technology in one or more regulated areas of commercial activity...").

15. Claims 2, 5-8 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frankland in view of Hollingsworth as applied to claims 1, 3-4, and 9-12 above.

16. With respect to **Claim 2**:

17. Frankland and Hollingsworth disclose all the above limitations. Frankland discloses an integrated system for managing changes in regulatory and non-regulatory requirements for business activities at an industrial or commercial facility (Frankland [abs]). Additionally, Frankland discloses that the his system could be applied to environmental, health and safety activities, and to food, drug, cosmetic, and medical

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treatment and device activities. Neither Frankland nor Hollingsworth explicitly disclose where the specified facility type is selected from a list, comprising: automobile dealerships; heating, ventilating and air conditioning contractors; chiropractor, physician and dental offices; hospitals; motor vehicle paint and body shops; motor vehicle air conditioning shops; motor vehicle tire shops; dry cleaners; nursing homes; passenger airports; cargo airports; private airports; animal hospitals; banks; funeral homes; motorcycle dealers; recreational vehicle dealers; painting contractors; pest control contractors; gasoline stations; convenience stores; private and municipal motor vehicle repair and maintenance shops; radiator repair shops; brake repair shops, muffler and exhaust shops; oil and motor vehicle oil and lubrication shops; motor vehicle windshield repair shops; restaurants; fast food establishments; hotels; motels; private and local, state and federal office buildings; private and municipal drinking water treatment plants, private and municipal wastewater treatment plants. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to have applied the integrated change management unit to manage changes in regulatory and non-regulatory requirements for business activities at any industrial or commercial facility, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

18. With respect to **Claims 5-8 and 13-16:**

19. Frankland and Hollingsworth disclose all the above limitations. Additionally, Hollingsworth discloses that the present invention provides full support for job and task analysis; learning objective development; standards and processes; objective, reference

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based test items; examinations and evaluations; training program identification and content description; training scheduling and training/evaluation documentation and reporting (Hollingsworth col. 3, lines 16-24). Additionally Hollingsworth discloses “one key to successfully operating a facility is the effectiveness of the training delivered to plant operations and support personnel.” and that “in highly regulated industries such as nuclear energy, airline, hazardous waste management, etc., one of the requirements placed upon operators is to ensure that all personnel are in-fact qualified to perform each of the duties that they are assigned to perform.” (Hollingsworth col. 1, lines 10-37). Neither Frankland nor Hollingsworth contemplates where the results from the tests and reports discussed above go. However, it would have been obvious to one of ordinary skill in the art at the time of the invention wherein the individual authorized to view the employee, contractor, and/or facility compliance status is a manager, director or officer of the facility, an attorney and/or law firm, retained by the facility to provide legal advice concerning compliance, a regulatory agency charged with responsibility for regulating the facility, or a bank or an insurance company or an insurance broker contemplating issuance of an insurance policy to the owners and/or operators of the facility. It would have been obvious to allow one of these people to view the compliance status since it would be necessary for them to be privy to the results because they are managing a business in a regulated industry and need to enforce compliance. Thus, it would have been obvious to allow these people to view the results, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW S. MEYERS whose telephone number is (571)272-7943. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jan Mooneyham can be reached on (571) 272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew S Meyers/  
Examiner, Art Unit 3689

/Janice A. Mooneyham/  
Supervisory Patent Examiner, Art Unit 3689